

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.509/110/2004-JS-I

Dated: 26 October, 2007.

To

**The Chief Electoral Officers**  
of all the States and UTs

**Sub: Facilities to be provided to electors with disability - Order of the Hon'ble Supreme Court in WP (Civil) No. 187 of 2004 – Disabled Rights Group Vs. The Chief Election Commissioner & Anr.**

Sir,

I am directed to invite your attention to the Commission's letters of even number dated 21.04.2004 and 20.10.2005 regarding setting up of ramps in the public buildings in which polling stations are located. Your attention is also invited to the directions of the Hon'ble Supreme Court in its interim order, dated 19.04.2004 in the above mentioned writ petition. The Hon'ble Supreme Court has disposed of the above-mentioned writ petition vide its order-dated 05.10.2007, with certain directions. A copy of the order is enclosed.

2. The Hon'ble Supreme Court has taken note of the instructions issued by the Commission from time to time regarding the facilities to be provided to the electors with disability, and has directed that it should be ensured that these instructions are followed effectively. The Hon'ble Supreme Court has also directed that advance and sufficient publicity should be given in print and electronic media about the availability of the facilities for the electors with disability to exercise their franchise. In this context, attention is particularly invited to the Commission's letter of even no., dated 20<sup>th</sup> October, 2005 and letter no. 576/3/2004/JS-II, dated 7<sup>th</sup> April, 2004 (copies enclosed for easy reference). In the letter dated 20<sup>th</sup> October 2005, the Commission had urged that the Government/Local Authorities may provide permanent ramps in the public buildings in which polling stations for elections are located. The Commission has addressed a separate letter to the State/UT Governments requesting for early action in this regard as directed by the Hon'ble Supreme Court. The Chief Electoral Officers should review the position with the department concerned of the State Government to ensure that effective action is taken in compliance with the provisions of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and the directions of the Hon'ble Supreme Court. The Commission should be informed about the position after such a review by the end of November, 2007.

3. Regarding the other facilities to be provided at the polling station for the benefit of the electors with disability, attention is invited to the Commission's letter 576/3/2004/JS-

II, dated 7<sup>th</sup> April, 2004 referred to above. It may be ensured that the instructions in this regard are brought to the notice of all election authorities in the State, for strict compliance at all future elections. Specific instructions should be issued on the following aspects:

- The personnel at the polling station to ensure that physically challenged electors are given priority for entering the polling station, without having to wait in the queue for other electors and all necessary assistance as may be required should be provided to them at the polling station.
- Full facility should be provided for such electors to take their wheel- chair inside the polling station. In the polling stations where permanent ramps have not been provided, temporary ramps should be provided as per the order dated 19<sup>th</sup> April, 2004, of the Hon'ble Supreme Court in the above-mentioned petition (copy enclosed).
- The polling personnel should be specifically briefed about the provisions of Rule 49N of the Conduct of Elections Rules, 1961, which provides for permitting a companion to accompany a blind/infirm elector to assist him/her to cast the vote.
- At the training classes for the polling personnel, they should be sensitized about the special needs of the disabled, for courteous behavior towards them and for providing necessary support to them at the polling station.
- Electors with speech and hearing impairment should also be given special care as in the case of other disabled persons.

4. At the time of every election, the Chief Electoral Officer shall issue instructions to the District Election Officers to give wide publicity to the availability of above-mentioned facilities for persons with disability to exercise their franchise, as directed by the Hon'ble Supreme Court. Apart from the facilities for the physically challenged electors as enumerated above, the publicity should also cover the facility of Braille signage being available on the EVMs. The publicity should be given through print media as well as through radio/television. The political parties/candidates may also be briefed about such facilities at the meetings held with them by the DEO/RO in connection with elections.

5. Please acknowledge receipt of this letter alongwith its enclosures immediately and also confirm action taken as required above at the earliest.

Yours faithfully,

**(K. F. WILFRED)**  
**SECRETARY**

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.187 OF 2004

Disabled Rights Group

... Petitioner

Vs.

Chief Election Commissioner & Anr.

... Respondents

With

TP (C) No. 718-719 of 2005

ORDER

W.P. (C) No.187/2004 :

A letter written by a Disabled Rights Group, an NGO, to this Court was registered as a writ petition in public interest. The grievance expressed in the letter related to the absence of facilities to persons with disabilities to exercise their franchise in the elections. The petitioner referred to the need for : (a) wooden ramps at polling stations to enable disabled persons to have an easy access; (b) the numbers in the electronic voting machines (EVMs) being written in Braille to enable visually impaired voters to feel the numbers and press an appropriate button to cast the vote; (c) separate queues and special arrangements for persons with disability at polling stations; and (d) the polling station personnel to be

courteous and render necessary assistance to enable persons with disability to exercise their franchise with least inconvenience.

These suggestions were reiterated by the amicus curiae. The Election Commission of India have responded to these suggestions. Apart from drawing attention to Rule 49-N of the Conduct of Election Rules, 1961 and Para 39 of the 'Handbook for Returning Officers' issued by Returning Officers (relating to recording of votes of blind/infirm electors), the Commission stated that it has issued instructions to Chief Electoral Officers of all States and Union Territories, to provide ramps to enable physically handicapped persons to use their wheel chairs to go into the polling stations, to have separate queues for physically handicapped, and to sensitize poll personnel about the special needs of the disabled and be courteous to them. In regard to the suggestion relating to printing of serial numbers in Braille, the Election Commission stated that it will evolve an appropriate and satisfactory solution in consultation with the Ministry of Social Welfare and Empowerment, representatives of NGOs. engaged at the national level in the welfare of visually challenged, as also Technical Experts from the ECIL and BEL, (the two firms manufacturing EVMs). It is stated that even the existing EVMs. have been designed keeping in view the needs of the visually handicapped and hearing-impaired electors.



On 19.4.2004, this Court directed the Chief Secretaries of respective States, in coordination with the Chief Electoral Officers of those States, to make available wooden ramp facilities at polling stations situated in cities and in urban areas. By communication dated 20.10.2005, the Election Commission instructed all State Governments/Union Territories to make provisions for good quality permanent ramps in all public buildings where polling stations are located. By affidavit dated 23.4.2007, Election Commission has confirmed that in the election held after 19.4.2004, specific instructions have been issued to provide ramps at polling stations.

It is also stated that new EVMs. containing Braille numerals by the side of the ballot buttons have been introduced to assist the visually challenged. Thus Election Commission has broadly dealt with the grievances aired by the petitioner.

The learned counsel for the petitioner stated that though instructions had been issued by the Election Commission, they are not being followed in their letter and spirit by the respective Governments and several polling stations are not provided the facilities. It is true that the Election Commission should also ensure that the instructions are followed effectively.

The remedy is for the Election Commission to give appropriate directions to the officials manning the polling stations, regarding the special facilities for the physically disabled electorate at all polling stations. This should be done well-in-advance and sufficient publicity should also be given in the print and electronic

media about the availability of such facilities so that the persons with disabilities are aware of the facilities beforehand and are, thus, encouraged to go and exercise their franchise. Further, its observers should also satisfy that such facilities are given. The absence of such facilities should be notified to the respective Government for remedial/future action. On behalf of the Election Commission of India it is stated that the appropriate directions will be given in this behalf. We are of the view that the above directions/observations will meet the needs of the disabled voters. We accordingly dispose of the writ petition.

**T.P. (C) Nos. 718-19 of 2005 :**

In view of the disposal of this writ petition, there is no need to transfer the two petitions pending before the Bombay High Court (W.P. (PIL) No.3063/2004) and the Jharkhand High Court (W.P.(PIL) No.753/2005) on the same subject-matter. The respective High Courts may deal with the said petitions and may dispose them appropriately. The Transfer Petitions are accordingly disposed of.

New Delhi;  
October 5, 2007.

.....CJI.  
(K G Balakrishnan)

.....J.  
(R V Raveendran)